

b.) Remarks

Claims 1, 3, 14 and 16-18 have been amended in order to specify that the destructive layer consists of an alicyclic polyolefin or acrylic resin and thereby recite the present invention with the specificity required by statute. No new matter has been added.

Claims 1, 3 and 16-18 stand rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of present invention. In support of the rejection the Examiner contends it is unclear what "said resin" refers to. Although Applicants respectfully suggest the claim is clear as written, the claim language has above been amended in order to address the Examiner's concerns. Accordingly, this rejection is overcome.

Claims 1, 2, 4, 9, 10 and 12-18 are rejected under 35 U.S.C. §103(a) as being obvious over Hingsen-Gehrmann (U.S. Patent Publication No. 2002/0142121) in view of Yamamoto (U.S. Patent Publication No. 2002/0135735), Okinaka (U.S. Patent No. 5,155,190) and the Arton Property Tables. Additionally, claim 5 is rejected as being obvious over Hingsen-Gehrmann, Yamamoto and Okinaka in view of Koike (U.S. Patent No. 6,201,045) and claim 8 is rejected as being obvious over Hingsen-Gehrmann, Yamamoto and Okinaka in view of Nito (U.S. Patent No. 5,659,411) or Suzuki (U.S. Patent No. 7,582,355).

For simplicity, then, the common combination among all the claims is Hingsen-Gehrmann, Yamamoto and Okinaka.

By way of background, Applicants previously addressed the Examiner's rejections by amending the claim to recite that the alicyclic polyolefin or alicyclic acrylic resin has a molecular weight range of 1,000-100,000. In response, the Examiner has

newly-cited Okinaka as teaching "an optical resin comprising alicyclic acrylic optical resin having a molecular weight range of 10,000 to 1,000,000" (page 4, lines 20-21) and states it would have been obvious to utilize Okinaka's resin in the previous combination of prior art.

This rejection is respectfully traversed. In fact, as explained in detail below, Applicants respectfully submit the Examiner has not made out a *prima facie* case of obviousness.

(1). Although the Examiner mentions "Okinaka et al. teaches an optical resin" (page 4, line 20), Okinaka does not teach or suggest the resin is or can provide a layer within a retroreflective sheet as recited in the pending claims. To the contrary, Okinaka only mentions "optics" here:

Methacrylic resins including methyl methacrylate as a major component are in general excellent in transparency and weather resistance, and thus are widely used in various fields such as automobile parts, electric parts, optical elements, etc., (Column 1, lines 13-17, emphasis added.)

The optical resin of the present invention is molded into an article useful as an optical means, e.g., lenses and optical disc substrates, etc., (Column 6, lines 59-61, emphases added.)

The optical resin of the present invention can be used in the fields of automobile parts, electric parts, optical parts, etc. Particularly, the optical resin of the present application is very suitable for use in optical parts which require heat resistance and transparency, for example lenses, e.g., lenses for laser pick-up, lenses for glasses, lenses for cameras, lenses for projection television, optical disc substrates, etc. (Column 9, lines 28-35, emphases added.)

As to that, then, Okinaka does not teach or suggest providing a methacrylic resin in an optical sheet -- let alone a destructive layer -- as recited in the pending claims. Nor, as understood by those of ordinary skill herein, are optical sheets typically molded, as taught by Okinaka at column 6.

(2). Okinaka teaches from column 3, line 59 to column 4, line 9 that the resin is very strong, e.g., has excellent mechanical properties. Even if such a strong resin shown by Okinaka could be substituted for Yamamoto's resin, the Examiner has not explained how one skilled in this art could utilize such a strong resin as Hingsen's release layer to achieve a functional construct.

(3). In any event, even disregarding points (1) and (2) above, the weight range of 10,000 to 1,000,000 mentioned in Okinaka is not the weight range of any alicyclic polyolefin or alicyclic acrylic resin as recited in the pending claims. To the contrary, such weight range is the weight range of the resin of the invention of Okinaka. However, in contrast to the pending claims (that specify the destructive layer consists of alicyclic polyolefin or acrylic resin), Okinaka's three-part resin includes a methyl methacrylate, a N-substituted maleimide, and an unsaturated copolymerizable monomer other than methyl methacrylate and N-substituted maleimide. Respectfully submitted, there is no basis in law or in fact for asserting that Okinaka's teaching of a methyl methacrylate/maleimide copolymer having a weight range of 10,000-1,000,000 has any relevance to Applicants' disparate alicyclic polyolefin or acrylic resin. Therefore, the weight range recited in the pending claims is not taught or suggest by Okinaka.

(4). Moreover, the deficiencies of points (1) - (3) above are not addressed by the remaining prior art. That is to say, Hingsen-Gehrmann does not teach

any relevant resins and Yamamoto teaches many resins but does not teach or suggest that any consist of alicyclic polyolefin or alicyclic acrylic resin. Similarly, no reference among Koike, Nito or Suzuki teaches or suggests resins consisting of alicyclic polyolefin or alicyclic acrylic resins.

In view of the above amendments and remarks, Applicants submit that all of the Examiner's concerns are now overcome and the claims are now in allowable condition. Accordingly, reconsideration and allowance of this application is earnestly solicited.

Claims 1-5, 8-10 and 12-18 remain presented for continued prosecution.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Lawrence S. Perry/  
Lawrence S. Perry  
Attorney for Applicants  
Registration No. 31,865

FITZPATRICK, CELLA, HARPER & SCINTO  
1290 Avenue of the Americas  
New York, New York 10104-3800  
Facsimile: (212) 218-2200

LSP\ac